

APPROVED 9-09-04



**SCOTTSDALE DEVELOPMENT REVIEW BOARD
KIVA - CITY HALL
3939 N. DRINKWATER BOULEVARD
AUGUST 19, 2004
MINUTES**

PRESENT: Wayne Ecton, Council Member
E.L. Cortez, Vice Chairman
David Gulino Commission Member
Michael D'Andrea, Design Member
Anne Gale, Design Member
Jeremy Jones, Design Member
Michael Schmitt, Design Member

STAFF: Suzanne Colver
Tim Curtis
Randy Grant
Kurt Jones
Bill Verschuren
Al Ward
Greg Williams

CALL TO ORDER

The regular meeting of the Scottsdale Development Review Board was called to order by Councilman Ecton at 1:00 p.m.

ROLL CALL

A formal roll call confirmed members present as stated above.

OPENING STATEMENT

COUNCILMAN ECTON read the opening statement that describes the role of the Development Review Board and the procedures used in conducting this meeting.

MINUTES APPROVAL

July 8, 2004 DRB Minutes

VICE CHAIRMAN CORTEZ MADE A MOTION TO APPROVE THE JULY 8, 2004, MEETING MINUTES AS PRESENTED. SECOND BY MR. JONES.

THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).

COUNCILMAN ECTON reported that cases 16-DR-2003#2, and 47-DR-2004 have been moved to the regular agenda.

CONTINUANCES

11-DR-2004 Continued to 9/9/2004	Arivest Medical Office Bldg Site Plan & Elevations 9808 N. 95 th Street Cawley Architects Inc., Architect/Designer
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CONSENT AGENDA

20-DR-2004	Troon North Condominiums Site Plan & Elevations 28713 N. 102 nd Pl. GCH Limited, Architect/Designer
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12-PP-2004	Cattletrack Ranch Preliminary Plat & Site Plan 6360 N. Cattle Track Rd. Scottsdale Engineering & Assoc.
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16-DR-2003#2	Loloma 5 Color Change 3707 N. Marshall Way Will Bruder Architects, Architect/Designer
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(PULLED TO REGULAR AGENDA)

30-DR-2004	Raintree Crossing Site Plan & Elevations 8350 & 8360 E. Raintree Dr. Poliquin Kellogg Design Group, Architect/Designer
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- 33-DR-2004 Perimeter Center Offices
Site Plan & Elevations
17470 N. Pacesetter Way
Archicon LC, Architect/Designer
- 35-DR-2004 CalComp Business Park
Elevations Only
14555 N. 82nd St.
Tyler S. Green Architect
Architect/Designer
- 40-DR-2004 F & F Carpet Office / Warehouse
Site Plan & Elevations
1625 N. 87th Street
Witte Architecture, Architect/Designer
- 46-DR-2004 Notre Came Preparatory High School
Site Plan & Elevations – Wireless
Communications Facility
9701 E. Bell Road (Bell & 98th Street)
Mactec Engineering & Consulting of
Georgia Inc., Architect/Designer
- 59-DR-2004 Savitieri Bros
Approval of Cuts & Fills
13463 N. 137th Street
Residential Design LLC,
Architect/Designer
- 62-DR-2004 The Palms Restaurant Outdoor Patio
Patio Site Plan, Minor Elevation
Modifications, Tree Replacement
4151 N. Marshall Way
Sixty First Place Architects,
Architect/Designer
- (WITHDRAWN)
- 47-DR-2004 Scottsdale Horizon Commercial Center
Color change
14672 N. Frank Lloyd Blvd.

(PULLED TO REGULAR AGENDA)

VICE CHAIRMAN CORTEZ MOVED TO APPROVE CASES 20-DR-2004,

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12-PP-2004, 30-DR-2004, 33-DR-2004, 35-DR-2004, 40-DR-2004, 46-DR-2004, AND 59-DR-2004 WITH THE ATTACHED STIPULATIONS. SECOND BY COMMISSIONER JONES.

THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).

REGULAR AGENDA

16-DR-2003#2

Loloma 5
Color Change
3707 N. Marshall Way
Will Bruder Architects, Architect/Designer

(MR. D'ANDREA DECLARED A CONFLICT AND DID NOT PARTICIPATE IN THE DISCUSSION OR VOTE.)

MR. VERSCHUREN presented this case as per the project coordination packet. Staff recommends approval, subject to the attached stipulations.

VICE CHAIRMAN CORTEZ requested an explanation from the Applicant regarding why there was such a substantial deviation in color from what was previously presented and approved by the Board.

ROD GASBARG, Will Bruder Architects, reported that Will Bruder could not be here today because he is out of town. He further reported that he believed the job submittal for the DRB for this project it did not indicate a color choice for the stucco and was something that slipped through the cracks. As they moved forward on the project, it was negligent that we did not move through this process prior to selecting the color and painting the building. We did select the color, and the building was painted, and they realized they had to go back for the DR approval. The color was always going to be green it just did not move through the DR process the first time around.

MR. JONES stated this color will draw a variety of opinions. He further stated that his personal opinion it is a nice color and is a common color in the desert and would be complimentary contrast and a nice accent.

MR. GULINO stated that he would agree with Mr. Jones and does not have a problem with the color.

VICE CHAIRMAN CORTEZ expressed his serious concern. This Board is required to review color, as part of the application and when it is brought to us and have a color not mentioned is irresponsible. He requested this case be continued to allow staff to look at the record that was on file on the previous elevations that were reviewed and approved. There had to have been some

color elevations submitted. He stated that he is very concerned that there is a representative of the Architect's office who has indicated that they knew it was green all along but neglected to indicate it on the first application. He further stated that he would like the opportunity to go and look at this color on the project.

MR. GASBARG presented building photos of the site to allow the Board to assess the colors. He noted that most of the green on the façade area is interior and not readily visible. He further noted that he felt the color works well but understood their position about the process. It is not a process they are proud of and was not done intentionally to pull the wool over your eyes yet we can't explain why or how it happened. He added they respect the process.

MR. GRANT stated the original color elevations for this project showed a natural color concrete.

MR. SCHMITT inquired how did this issue come up again. Mr. Verschuren explained this came up when they had called for a final inspection of the building and the building inspector went out to inspect it and saw the new color was on there and was not on the original application. The inspector told them they would not be given approval until this was resolved so they decided to come back to the Board to get approval prior to receipt of the certificate of occupancy.

Mr. Schmitt stated that he would agree with Vice Chairman Cortez that this case should be continued to allow them to see the building. He inquired if this building is occupied. Mr. Gasbarg stated he believed a temporary certificate of occupancy has been granted because people have moved in.

MS. GALE stated that she thought it was the will of the Board and staff to give Mr. Bruder considerable leeway because he is widely respected. She further stated if this color had been presented originally it would not have been approved because it would not relate with the neighborhood. She noted that the building looks handsome and everyone would agree it is an interesting, adventurous concept. However, she felt this color would set a dangerous precedence.

MR. GULINO stated that he has always had a hard time dictating color to people because it is a matter of taste. He further stated if this color had been painted on an entire wall he would object to it but what they have done on this building is not making such an impact on the neighborhood that it warrants his involvement. He reiterated that he supports this color and would object to a continuance because he felt it was not warranted in this case. He commented that it appears this was overlooked. He concluded that he would encourage the Board to allow this item to move forward with an approval.

COUNCILMAN ECTON stated he did not have an objection to this color because it is a highlight and not the primary color. He further stated that he would agree with Ms. Gale that if this had been presented initially when this project came to the Board it probably would have been another element that might have come under fire. He remarked that he did not think this case should be continued because of the discrepancies in the way it was handled and that strict procedure was not followed. He further remarked that if this Board wants to continue it because they are not happy with the color that is what they should do so. He concluded that he did not have a problem with the color.

VICE CHAIRMAN CORTEZ MOVED TO CONTINUE CASE 16-DR-2003#2 IN ORDER TO GIVE THE BOARD AN OPPORTUNITY TO TAKE A LOOK AT THE ACTUAL COLOR APPLICATION ON THE PROJECT AND TO ALLOW THE BOARD TO EVALUATE THE COLOR. SECOND BY MR. SCHMITT.

THE MOTION FAILED BY A VOTE OF THREE (3) TO THREE (3) WITH COUNCILMAN ECTON, MR. GULINO AND MR. JONES DISSENTING. MR. D'ANDREA ABSTAINED.

MR. JONES MOVED TO APPROVE CASE 16-DR-2003#2 WITH THE STERN WARNING TO THE BRUDER OFFICE TO NOT BE SO CARELESS IN THEIR PROCEDURES AGAIN. SECOND BY MR. GULINO.

THE MOTION FAILED BY A VOTE OF THREE (3) TO THREE (3) WITH MS. GALE, VICE CHAIRMAN CORTEZ AND MR. SCHMITT DISSENTING. MR. D'ANDREA ABSTAINED.

MR. GULINO stated he did not want this case to be denied and does not want to see it continued but if that is his only choice to keep this case moving he would support the continuance.

MR. GASBARG stated that as an associate of Will Bruder Architects, he would like to acknowledge that they are very sorry for their inability to follow the process. And it was not their intent to be deceitful. He further stated that he appreciates their desire to want to stop by the site.

MS. GALE stated that she knows changing the colors is adding a good deal of cost to the building. There is only one area that is visible from the public passing by and that is the horizontal band. She inquired if they would consider putting a glaze over it so it would be softer. Mr. Gasbarg replied anything is possible. Ms. Gale stated that she was trying finding a middle distance where they would not have to paint the entire project.

MR. JONES MOVED TO CONTINUE CASE 16-DR-2003#2 UNTIL THE NEXT DEVELOPMENT REVIEW BOARD MEETING. SECOND BY MR. SCHMITT.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0) WITH MR. D'ANDREA ABSTAINING.

47-DR-2004

Scottsdale Horizon Commercial Center
Color change
14672 N. Frank Lloyd Blvd.

MR. JONES presented this case as per the project coordination packet. Staff is recommending a continuance to allow the applicants to work with the neighbors on the color.

VICE CHAIRMAN CORTEZ stated that he did think there was a problem with the entire color palette just the one color. Mr. Jones stated the center is painted Tasmanian Myrtle and that is the color of issue with the neighborhood and the applicant is willing to work with the neighbors to come up with an alternate color.

MS GALE stated she thought the color chosen was to give the center some architectural strength. She suggested they recognize the fact that the tower needs to be dark. She suggested a softer version. She noted that the neighbors are not colorists and should not design the project. Mr. Jones stated that he could take the color Ms. Gale has suggested and show it to the neighbors and then allow them to comment.

MR. JONES MOVED TO CONTINUE CASE 47-DR-2004. SECOND BY VICE CHAIRMAN CORTEZ.

THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).

ADJOURNMENT

With no further business to discuss, the regular meeting of the Scottsdale Development Review Board was adjourned at 1:50 p.m.

Respectfully Submitted

"For the Record" Court Reporters

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